

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF WISCONSIN**

Kabir Elohim Isreal

Plaintiff,

v.

Aileene Chovance, Hector Claudio,

Guy Fraley, and Kenton Burtch

Defendants,

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Civil Action No.:

24-cv-0018

JURY DEMANDED

COMPLAINT JURISDICTION AND VENUE

1. This cause is brought pursuant to 42 § 1983 and the Fourth and Fourteenth Amendments of the U.S. Constitution, and the laws of the State of Wisconsin.
2. Plaintiff invokes This court's federal question jurisdiction over his federal causes pursuant to 28 § 1331, 1343 (a) 3 and 4, and 1367 (a) for his pendant state causes.
3. Plaintiff invokes This court's federal diversity jurisdiction pursuant to 28 § 1332 (a) (1).
4. Venue is appropriate pursuant to 28 § 1391 (a) because the event(s) that gave rise to this action occurred within the judicial boundaries of This court.

PARTIES

5. Kabir Elohim Isreal (hereinafter "Plaintiff") resides at 116 Calle Manuel Domenech PMB 2050 San Juan, Puerto Rico 00918 United States.
6. Defendant Aileene Chovance (hereinafter "Chovance") at all times relevant to the facts herein was a police officer employed by the City of Milwaukee.
7. Defendant Hector Claudio (hereinafter "Claudio") at all times relevant to the facts herein was a police officer employed by the City of Milwaukee.
8. Defendant Guy Fraley (hereinafter "Fraley") at all times relevant to the facts herein was a police detective employed by the City of Milwaukee.
9. Defendant Kenton Burtch (hereinafter "Burtch") at all times relevant to the facts herein was a police sergeant employed by the City of Milwaukee.
10. Chovance, Claudio, Fraley, Burtch are sued in their individual capacity.

ULTIMATE FACTS

11. Plaintiff avers that on **MARCH 21ST, 2023** Plaintiff saw Milwaukee Police Officers Chovance and Claudio then immediately waved to flagged them down for assistance.

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12. Plaintiff avers that he had no weapon in his hand during this particular time.
13. Plaintiff avers that he then verbally informed Chovance and Claudio that his name is Kabir Elohim Isreal, an unknown shooter shot at them, and that as a result, he then began to shoot back in defense of others and himself, and that he reasonably believes that the shooter was struck by a bullet.
14. Plaintiff avers that Claudio and Chovance then exited his police car and approached him.
15. Plaintiff avers that Claudio, in a hostile and authoritative tone of voice with his right hand on his gun, then demanded Plaintiff surrender his gun to Claudio and Chovance.
16. Plaintiff avers that at this point and particular time Claudio and Chovance both had one of their hands on their gun.
17. Plaintiff avers that at this point and particular time he believed that he was neither free to leave nor decline Claudio's request.
18. Plaintiff avers that he then, under duress, complied with Claudio's demands to surrender his gun and sit in the back of his police car.
19. Plaintiff avers that Claudio then locked the back door of his police car.
20. Plaintiff avers that Claudio and Chovance then radioed dispatch for a warrant check of Plaintiff.
21. Plaintiff avers that about thirty (30) minutes later Burtch arrived on the scene then about 5 (five) to 10 (ten) minutes later after Burtch spoke with Chovance and Claudio, he verbally said to him "You are not under arrest but we will let you go once we can identify who you are" as he was in the back seat of said car.
22. Plaintiff avers that about thirty (30) minutes later he was removed from Claudio's police car to Fraley's car and that Farley also verbally said to him "You are not under arrest but they will let you go once they can identify you".
23. Plaintiff avers that about thirty (30) minutes later Farley took him back to Claudio's police car and sat him in the back seat then locked the door.
24. Plaintiff avers that about forty-five (45) minutes later he was taken to Milwaukee County Jail.
25. Plaintiff avers that three (3) days later he posted a \$7,500.00 cash bail and was released from Milwaukee County Jail.
26. Plaintiff avers that on AUGUST 9TH, 2023 the case was dismissed.

27. Plaintiff avers that thus far he has neither received his gun nor his passport from Chovance, Claudio, Burtch, and Fraley.
28. Plaintiff avers that on **MARCH 21ST, 2023** there was no evidence to contradict his testimony and that Chovance, Claudio, Burtch, and Fraley had no reason not believe his testimony.
29. Plaintiff avers that thus far there is still no evidence to contradict his testimony.
30. Plaintiff avers that at all times herein Claudio, Burtch, and Fraley, falsely misrepresented to him that he was not under arrest.
31. Plaintiff avers that at all times herein Chovance, Claudio, Burtch, and Fraley knew or should have known he was not under arrest.
32. Plaintiff avers that at all times herein neither Chovance, Claudio, Burtch, nor Fraley had an arrest warrant or search warrant.
33. Plaintiff avers that at all times herein neither Chovance, Claudio, Burtch, nor Fraley had his consent to seize and search his person, or seize his property.
34. Plaintiff avers that at all times relevant herein Chovance, Claudio, Burtch, and Fraley were all in a position to intervene but failed to although they knew or should have known that his constitutionally protected rights were being violated.
35. Plaintiff avers that at all times herein Chovance, Claudio, Burtch, and Fraley acted under color of state law, knowingly, negligently, willfully, and beyond their authority with the intent to injure Plaintiff.

CAUSES OF ACTIONS

36. Paragraphs 1 through 35 are incorporated herein by reference and predicated on reasonable inferences from same

FIRST CAUSE OF ACTION

FOURTH AMENDMENT VIOLATION OF PLAINTIFF'S RIGHT TO BE FREE FROM UNLAWFUL ARREST AND IMPRISONMENT OF HIS PERSON

37. Plaintiff avers his Fourth Amendment right to be secure in his person against unreasonable seizures as guaranteed by the Fourth and Fourteenth Amendments of the U.S. Constitution was violated whereby Plaintiff was unlawfully detained and arrested. As a direct and proximate result of Chovance, Claudio, Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

SECOND CAUSE OF ACTION
FOURTH AMENDMENT VIOLATION OF PLAINTIFF'S RIGHT TO BE FREE FROM UNLAWFUL
SEARCH OF HIS PERSON AND SEIZURE OF HIS PERSONAL EFFECTS

38. Plaintiff avers his Fourth Amendment right to be secure in his effects (i.e. handgun and passport) against unreasonable searches and seizures as guaranteed by the Fourth and Fourteenth Amendments of the U.S. Constitution was violated whereby Plaintiff was unlawfully detained and arrested. As a direct and proximate result of Chovance, Claudio, Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

THIRD CAUSE OF ACTION
FOURTEENTH AMENDMENT DUE PROCESS VIOLATION FOR UNLAWFUL DEPRIVATION OF
PLAINTIFF'S PERSONAL EFFECTS

39. Plaintiff avers that Chovance, Claudio, Burtch, and Fraley unlawfully seized, then permanently, deprived him of his personal effects (i.e. handgun and passport) without due process. As a direct and proximate result of Chovance, Claudio, Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

FOURTH CAUSE OF ACTION
ARTICLE I § 11 VIOLATION OF PLAINTIFF'S RIGHT TO BE FREE FROM UNLAWFUL ARREST
AND IMPRISONMENT OF HIS PERSON

40. Plaintiff avers his right to be secure in his person against unreasonable seizures as guaranteed by Article I § 11 of the Constitution for Wisconsin was violated whereby Plaintiff was unlawfully detained and arrested. As a direct and proximate result of Chovance, Claudio, Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

FIFTH CAUSE OF ACTION
ARTICLE I § 11 VIOLATION OF PLAINTIFF'S RIGHT TO BE FREE FROM UNLAWFUL SEARCH OF
HIS PERSON AND SEIZURE OF HIS PERSONAL EFFECTS

41. Plaintiff avers his right to be secure in his effects (i.e. handgun and passport) against unreasonable searches and seizures as guaranteed Article I § 11 of the Constitution for Wisconsin was violated whereby Plaintiff was unlawfully detained and arrested. As a direct and proximate result of Chovance, Claudio,

Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

SIXTH CAUSE OF ACTION

ARTICLE I § 11 VIOLATION OF PLAINTIFF'S RIGHT TO BE FREE FROM ASSAULT AND BATTERY OF HIS PERSON

42. Plaintiff avers his right to be free from assault and battery guaranteed Article I § 11 of the Constitution for Wisconsin was violated whereby Plaintiff was unlawfully detained and arrested in a rude, aggressive, and hostile manner. As a direct and proximate result of Chovance, Claudio, Burtch, and Fraley acts and omissions jointly and severally against Plaintiff, Plaintiff has suffered injuries to his person.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands judgment against Chovance, Claudio, Burtch, and Fraley as follows: (1) \$1,000,000.00 each in compensatory damages for Plaintiff's First Cause, (2) \$1,000,000.00 each in compensatory damages for Plaintiff's Second Cause, (3) \$1,000,000.00 each in compensatory damages for Plaintiff's Third Cause, (4) \$1,000,000.00 each in compensatory damages for Plaintiff's Fourth Cause, (5) \$1,000,000.00 each in compensatory damages for Plaintiff's Fifth Cause, (6) \$1,000,000.00 each in compensatory damages for Plaintiff's Sixth Cause, (7) \$1,000,000.00 each in punitive damages against Chovance, Claudio, Burtch, and Fraley to deter and make an example of same, (8) All cost and disbursements of this action, and attorney's fees pursuant to 42 § 1988; and (9) any other relief this court deems just and proper.

/S/Kabir Elohim Isreal

Plaintiff, Pro se

116 Calle Manuel Domenech PMB 2050

San Juan, Puerto Rico 00918 United States.

Cc.

P.O. Box #114

Buckeye, Arizona 85326